

Introduced by Senator BattinFebruary 22, 2005

An act to amend Sections 54220, 54221, and 54222 of the Government Code, relating to public property.

LEGISLATIVE COUNSEL'S DIGEST

SB 625, as introduced, Battin. State and local surplus property: written offer to sell or lease: economic development purposes.

Existing law requires any agency of the state and any local agency disposing of surplus land, prior to disposing of that property, to send a written offer to sell or lease the property for specified purposes.

This bill would additionally require these agencies to send a written offer to sell or lease the property for economic development purposes, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54220 of the Government Code is
2 amended to read:
3 54220. (a) The Legislature reaffirms its declaration that
4 housing is of vital statewide importance to the health, safety, and
5 welfare of the residents of this state and that provision of a
6 decent home and a suitable living environment for every
7 Californian is a priority of the highest order. The Legislature
8 further declares that there is a shortage of sites available for
9 housing for persons and families of low and moderate income
10 and that surplus government land, prior to disposition, should be
11 made available for that purpose.

1 (b) The Legislature reaffirms its belief that there is an
2 identifiable deficiency in the amount of land available for
3 recreational purposes and that surplus land, prior to disposition,
4 should be made available for park and recreation purposes or for
5 open-space purposes. This article shall not apply to surplus
6 residential property as defined in Section 54236.

7 (c) The Legislature reaffirms its declaration of the importance
8 of appropriate planning and development near transit stations, to
9 encourage the clustering of housing and commercial
10 development around such stations. Studies of transit ridership in
11 California indicate that a higher percentage of persons who live
12 or work within walking distance of major transit stations utilize
13 the transit system more than those living elsewhere. The
14 Legislature also notes that the Federal Transit Administration
15 gives priority for funding of rail transit proposals to areas that are
16 implementing higher-density, mixed-use development near major
17 transit stations.

18 *(d) The Legislature further declares its belief that economic*
19 *development of vacant and underutilized land is important to the*
20 *financial well-being of local agencies. Economic development*
21 *expands local employment and commerce opportunities,*
22 *enhances quality of life, and increases community land values*
23 *and tax revenues to local agencies, which in turn increases local*
24 *government services and benefits available to residents.*
25 *Economic development also deters crime and improves*
26 *community security. The Legislature affirms that there is a*
27 *shortage of land available for economic development purposes*
28 *and that surplus state land, prior to disposition, should be made*
29 *available to local agencies for economic development purposes.*

30 SEC. 2. Section 54221 of the Government Code is amended
31 to read:

32 54221. (a) As used in this article, the term “local agency”
33 means every city, whether organized under general law or by
34 charter, county, city and county, and district, including school
35 districts of any kind or class, empowered to acquire and hold real
36 property.

37 (b) As used in this article, the term “surplus land” means land
38 owned by any agency of the state, or any local agency, that is
39 determined to be no longer necessary for the agency’s use, except
40 property being held by the agency for the purpose of exchange.

(c) As used in this article, the term “open-space purposes” means the use of land for public recreation, enjoyment of scenic beauty, or conservation or use of natural resources.

(d) As used in this article, the term “persons and families of low or moderate income” means the same as provided under Section 50093 of the Health and Safety Code.

(e) *As used in this article, the term “economic development purposes” means projects designed to attract, retain, and expand business that promotes economic growth and stability.*

(f) As used in this article, the term “exempt surplus land” means either of the following:

(1) Surplus land which is transferred pursuant to Section 25539.4.

(2) Surplus land which is (A) less than 5,000 square feet in area, (B) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (C) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency which is used for park, recreational, open-space, or low- and moderate-income housing purposes and is not located within an enterprise zone pursuant to Section 7073 nor a designated program area as defined in Section 7082. If the surplus land is not sold to an owner of contiguous land, it is not considered exempt surplus land and is subject to the provisions of this article.

~~(f)~~

(g) Notwithstanding subdivision (e), the following properties are not considered exempt surplus land and are subject to the provisions of this article:

(1) Lands within the coastal zone.

(2) Lands within 1,000 yards of a historical unit of the State Parks System.

(3) Lands within 1,000 yards of any property that has been listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places.

(4) Lands within the Lake Tahoe region as defined in Section 66905.5.

SEC. 3. Section 54222 of the Government Code is amended to read:

1 54222. Any agency of the state and any local agency
2 disposing of surplus land shall, prior to disposing of that
3 property, send a written offer to sell or lease the property as
4 follows:

5 (a) A written offer to sell or lease for the purpose of
6 developing low- and moderate-income housing shall be sent to
7 any local public entity as defined in Section 50079 of the Health
8 and Safety Code, within whose jurisdiction the surplus land is
9 located. Housing sponsors, as defined by Section 50074 of the
10 Health and Safety Code, shall, upon written request, be sent a
11 written offer to sell or lease surplus land for the purpose of
12 developing low- and moderate-income housing. All notices shall
13 be sent by first-class mail and shall include the location and a
14 description of the property. With respect to any offer to purchase
15 or lease pursuant to this subdivision, priority shall be given to
16 development of the land to provide affordable housing for lower
17 income elderly or disabled persons or households, and other
18 lower income households.

19 (b) A written offer to sell or lease for park and recreational
20 purposes or open-space purposes shall be sent:

21 (1) To any park or recreation department of any city within
22 which the land may be situated.

23 (2) To any park or recreation department of the county within
24 which the land is situated.

25 (3) To any regional park authority having jurisdiction within
26 the area in which the land is situated.

27 (4) To the State Resources Agency or any agency which may
28 succeed to its powers.

29 (c) A written offer to sell or lease land suitable for school
30 facilities construction or use by a school district for open-space
31 purposes shall be sent to any school district in whose jurisdiction
32 the land is located.

33 (d) A written offer to sell or lease for enterprise zone purposes
34 any surplus property in an area designated as an enterprise zone
35 pursuant to Section 7073 shall be sent to the nonprofit
36 neighborhood enterprise association corporation in that zone.

37 (e) A written offer to sell or lease for the purpose of
38 developing property located within an infill opportunity zone
39 designated pursuant to Section 65088.4 or within an area covered
40 by a transit village plan adopted pursuant to the Transit Village

1 Development Planning Act of 1994, Article 8.5 (commencing
2 with Section 65460) of Chapter 3 of Division 1 of Title 7 shall be
3 sent to any county, city, city and county, community
4 redevelopment agency, public transportation agency, or housing
5 authority within whose jurisdiction the surplus land is located.

6 (f) *A written offer to sell or lease any surplus property for*
7 *economic development purposes, as defined in subdivision (e) of*
8 *Section 54221.*

9 (g) The entity or association desiring to purchase or lease the
10 surplus land for any of the purposes authorized by this section
11 shall notify in writing the disposing agency of its intent to
12 purchase or lease the land within 60 days after receipt of the
13 agency's notification of intent to sell the land.